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Message Text

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ACTION EUR-12

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TO AMEMBASSY BONN IMMEDIATE
INFO SECSTATE WASHDC 6531
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E.O.11652: NA
TAGSC PGOV, AKB
SUBJECT: INTRA-BERLIN TRAVEL BY CHIEFS OF MILITARY MISSIONS

REF: (A) BONN 05590, (B) 77 USBERLIN 2894, (C) 77 USBERLIN 2893
(NOTAL)

SUMMARY: FREE CIRCULATION IN GREATER BERLIN BY MEMBERS OF MILITARY MISSIONS IS PROVIDED FOR IN A 1945 FOUR POWER DOCUMENT. THE PRINCIPLE OF FREE CIRCULATION CONTINUES TO BE REFLECTED TODAY IN SECTOR-SECTOR BOUNDARY CROSSING PROCEDURES OF MILITARY MISSIONS. WE THINK THE CONTINUATION OF THIS PRACTICE INVOLVES A DEGREE OF EAST GERMAN ACCOMMODATION; WHAT WE CALL"FREE CIRCULATION," THE EAST GERMANS CONSIDER "DIPLOMATIC COURTESY." AS REGARDS THE PRACTICAL QUESTION OF EXTENDING FREE CIRCULATION TO OVERNIGHT STAYS, WE HAVE PURPOSELY LEFT THIS IMPRECISE OVER THE YEARS. WE DO NOT FAVOR PUSHING THE ISSUE IN THE INSTANT CASE, AND RECOMMEND A ROUNDABOUT SOLUTION. END SUMMARY.

1. THE DUTCH AMBASSADOR'S QUESTIONS REGARDING ALLIED POLICY ON TRAVELS WITHIN BERLIN BRING OUT A PREVIOUSLY OBSCURE
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POINT WITH RESPECT TO FREE CIRCULATION IN THE CITY. IN THE PAST FEW MONTHS WE HAVE CONCERNED OURSELF WITH CONTROL OF DIPLOMATIC PASSPORTS AT THE TWO FRIEDRICH-STRASSE CROSSING POINTS. WE HAD NOT GIVEN ATTENTION TO TRAVEL BY MILITARY MISSION MEMBERS THROUGHT THESE SAME CROSSING POINTS, BUT THEIR TRAVEL AND THE TRAVEL OF MEMBERS OF FORCES ARE CLOSELY RELATED. THE MISSIONS

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ARE ENTITLED TO FREE CIRCULATION IN GREATER BERLIN. THIS PRINCIPLE WAS AGREED TO BY THE FOUR ALLIED REPRESENTATIVES IN THE POLITICAL DIRECTORATE OF THE COORDINATING COMMITTEE OF THE ALLIED CONTROL AUTHORITY IN 1945. A DOCUMENT OF THAT DIRECTORATE, CORC/P(45)86 APPROVED IN BERLIN ON 3 OCTOBER 1945, PROVIDES "THAT THESE MISSIONS SHOULD ENJOY FREEDOM OF MOVEMENT WITHIN THE GREATER BERLIN AREA AND, BY AGREEMENT WITH THE COMMANDER-IN-CHIEF CONCERNED, WITHIN EACH ZONE." (INCIDENTIALLY, THIS DOCUMENT CONTAINS THE EARLIEST ENUNCIATION WE CAN FIND OF "RULE OF TEN" WITH RESPECT TO THE NUMERICAL STRENGTH OF THE MISSONS.) THE PRINCIPLE CONTINUES TO BE REFLECTED IN PRACTICE TODAY.

2. UPON RECEIPT OF REF A, MISSION OFFICER CONTACTED MILITARY MISSIONS IN WEST BERLIN FROM ALL RESIDENT NATO POWERS, I.E. CANADA, DENMARK, GREECE, BELGIUM, AND THE NETHERLANDS.

3. FOLLOWING PRACTICES ARE UNIVERSALLY FOLLOWED BY STAFF MEMBERS INCLUDING AMBASSADORS OF ALL FIVE MILITARY MISSIONS. WHEN PROCEEDING IN A MOTOR VEHICLE TO EAST BERLIN, THEY MAY CROSS ONLY AT FRIEDRICHSTRASSE OPPOSITE CHECKPOINT CHARLIE. THEY THEN HAND THEIR DIPLOMATIC REPEAT DIPLOMATIC PASSPORT WHICH USUALLY CONTAINS ALLIED COMMANDANTS' STATUS STAMP TO EAST
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GERMAN GUARDS. EAST GERMAN GUARDS EXAMINE PASSPORT, AND THEN HAND BACK THE PASSPORT WITHOUT REPEAT WITHOUT STAMPING IT. LAST YEAR, FOLLOWING JANUARY 1, 1977 INTRODUCTION OF VISA REQUIREMENT FOR EAST BERLIN, EAST GERMAN GUARDS OCCASIONALLY REPEAT OCCASIONALLY ASKED IF MILITARY MISSION TRAVELLER PLANS TO RETURN "TODAY" OR "THE SAME DAY;" MORE RECENTLY THEY SOMETIMES INQUIRE WHETHER TRAVELLER IS IN TRANSIT OR IS STAYING IN "BERLIN." AMONG STAFF OF THESE FIVE MISSIONS WHO ARE CURRENTLY SERVING IN WEST BERLIN NO ONE REPEAT NO ONE HAS EVER SPENT A FULL NIGHT IN EAST BERLIN SAVE FOR SCHOOL-AGED CHILDREN STAYING WITH SCHOOL FRIENDS IN OTHER DIPLOMATIC HOUSEHOLDS. ON NO OCCASION HAVE EAST GERMAN GUARDS QUESTIONED THE DURATION OF THE STAY OF THESE CHILDREN.

4. COMMENT: THE PRACTICE FOLLOWED BY MILITARY MISSION MEMBERS IS A SLIGHTLY ATTENUATED VERSION OF THE DIPLOMATIC PASSPORT DISPLAY PROCEDURE USED BY U.S., FRENCH AND BRITISH DIPLOMATS AT THE SECTOR-SECTOR BOUNDAY (SEE 77 USBERLIN 2894 FOR DETAILS ON THIS PROCEDURE);

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THE MAIN DIFFERENCE IS THAT ALLIED DIPLOMATS DO NOT
REPEAT NOT SURRENDER THEIR PASSPORTS TO EAST GERMANS.
OBVIOUSLY, WE HAVE A PRACTICE TODAY WHICH WE CAN
CONSIDER A DEMONSTRATION OF FREE CIRCULATION THROUGH
ALL FOUR SECTORS OF BERLIN; THE EAST GERMANS PRESUMABLY
TOLERATE THE PRACTICE OF NOT ENTERING A BORDER CROSSING
STAMP IN THE PASSPORTS OF DAY VISITORS ON DIFFERENT
GROUNDS, NAMELY, DIPLOMATIC COURTESY. END COMMENT.

5. TO ANSWER EMBASSY'S QUESTIONS PARA 3, REF A--
MILITARY MISSION MEMBERS DO NOT NORMALLY SUBMIT TO
GDR VISA CONTROLS AT THE SECTOR-SECTOR BOUNDARY; ALSO
THEY USE PASSPORT CONTAINING DOCUMENTATION ISSUED BY THE
ALLIED AUTHORITIES IN BERLIN. (IN FACT THE ISSUING
AGENCY IS NOT THE AK BUT THE PROTOCOL OFFICERS REPRESENT-
ING THE ACA.) THEORETICALLY, WE WOULD SAY THAT THIS
DOCUMENTATION IS WHAT FACILITATES THEIR CROSSING INTO
EAST BERLIN. HOWEVER WE ARE QUITE CERTAIN THE LOYAL
SERVANTS OF THE GDR "HAUPTSTADT" REATIONALIZE THEIR FREE
PASSAGE ON THE BASIS OF DIPLOMATIC COURTESY.
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6. THE QUESTION OF THE OVERNIGHT STAY FOR THE DUTCH AMBASSADOR CANNOT BE ANSWERED ON THE BASIS OF KNOWN PRACTICE; WE DO NOT KNOW WHETHER HIS OVERNIGHT STAY WILL BE IGNORED LIKE THOSE OF SCHOOL CHILDREN. THE RELATED QUESTION AS IT APPLIES TO THE ALLIES HAS BEEN AVOIDED FOR MANY YEARS. IT SEEMS SHORTLY AFTER THE OCCUPYING TROOPS ARRIVED IN BERLIN, A PRACTICE WAS ADOPTED BY THE FOUR COMMANDANTS TO RETURN THEIR SOLDIERS TO THEIR RESPECTIVE SECTORS BY MIDNIGHT. THE PURPOSE WAS TO REDUCE THE NUMBER OF INCIDENTS CAUSED BY LATE NIGHT CAROUSING. AS FAR AS AMERICANS ARE CONCERNED, THERE HAS BEEN A MIDNIGHT CURFEW IMPOSED FOR OUR OWN SELF-PROTECTION SINCE LATE IN 1945. THIS CURFEW HAS NEVER BEEN IMPOSED ON THE INTELLIGENCE

PATROLS WHICH EXISTED BEFORE THE WALL, NOR ON THE MORE RECENT FLAG TOURS, NOR ON DIPLOMATS. WE VERY OCCASIONALLY PERMIT MEMBERS OF THE U.S. FORCES TO STAY OVERNIGHT IN EAST BERLIN--THESE ARE USUALLY SCHOOL MATES OF OUR PEOPLE ASSIGNED TO EAST BERLIN, BUT WE HAVE AVOIDED ANY LARGE SCALE POST-MIDNIGHT SOJOURNS BECAUSE WE HAVE NOT WANTED TO RAISE THE QUESTION OF PERMISSION FOR THESE STAYS. (WE ARE POUCHING REF C WHICH FURNISHES FURTHER BACKGROUND ON OVERNIGH VISITS.)

7. WE FAVOR ERRING ON THE SIDE OF CAUTION IN THIS CASE. WHILE A RELATIVELY OBSCURE ASPECT OF BERLIN STATUS, THE FREE CIRCULATION OF MILITARY MISSION MEMBERS HAS SURVIVED INTACT FOR OVER 30 YEARS. ATTEMPTING TO CONFRONT THE ISSUE DIRECTLY COULD LEAD TO DIFFICULTIES, HOWEVER; THE EAST GERMAN GUARDS DO HAVE TO ENFORCE THE REGULATION REQUIRING OVERNIGHT VISITORS TO HAVE A LIMITED OFFICIAL USE

VISA. WE ACKNOWLEDGE THAT THE EAST GERMANS HAVE NO BUSINESS RAISING QUESTIONS ABOUT FREE CIRCULATION IN GREATER BERLIN, BUT THE EASTERN SIDE DOES HAVE A CERTAIN AMOUNT OF LEVRAGE. WE HAVE KEPT THE MATTER IMPRECISE FOR SOME YEARS, AND BELIEVE WE SHOULD CONTINUE TO DO SO. ACCORDINGLY, AS THE DUTCH AMBASSADOR HAS SAID HE WISHES TO BE "IN LINE WITH ALLIED POLICY," WE SUGGEST THAT HE TRAVEL FROM WEST TO EAST BERLIN VIA THE RUND-ABOUT ROUTE THROUGH DRWITZ CHECK-POINT (THE "BOB GERMAN BYPASS"). OF COURSE, HE WOULD THEN REQUIRE A GDR VISA, PREFERABLY IN HIS PASSPORT WHICH IDENTIFIES HIM AS AMBASSADOR TO THE FRG.

8. WE HAVE NOT DISCUSSED MATTER WITH FRENCH AND BRITISH HERE; IF TIME PERMITS, WE COULD DO SO NEXT WEEK.

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9. FOR THE RECORD, MISSION HAS NOT CHECKED WITH FOLLOWING COUNTRIES WHICH, WHILE MAINTAINING A NOMINAL MILITARY MISSION IN BERLIN, DO NOT REPEAT NOT HAVE RESIDENT DIPLOMATIC STAFF: AUSTRALIA, LUXEMBOURG, AND NORWAY. IF INFORMATION ON THEIR EXPERIENCE TRANSITING CHECKPOINT FRIEDRICHSTRASSE IS DESIRED WE BELIEVE IT COULD BE BEST OBTAINED IN BONN. GEORGE

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